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APR 21 2004

In re Application of
Crowder, et al.
Application No. 10/606,678
Filed: June 27, 2003
Attorney Docket No. 9336-3
For: DRY POWDER DOSE FILLING SYSTEMS
AND RELATED METHODS

: **OFFICE OF PETITIONS**
: **DECISION GRANTING**
: **PETITION**
:
:

This is a decision on the reconsideration petition under 37 CFR 1.10(c), filed February 23, 2004 (certificate of mailing date February 20, 2004), requesting that the above-identified application be accorded a filing date of June 26, 2003, rather than the presently accorded filing date of June 27, 2003.

Petitioners request the earlier filing date on the basis that the application was deposited in Express Mail service of the United States Postal Service (USPS) on June 27, 2003, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of Express Mail label no. EV353611705US showing no "date-in", but showing a USPS date stamp of June 26, 2003. The same Express Mail label number is listed on the original transmittal letter found in the application file. In addition, petitioners have submitted a printout from the USPS Shipping Center Track and Confirm website that indicates that a package bearing the mailing label of EV353611705US was accepted at the Raleigh, North Carolina processing center on June 26, 2003.

The evidence presented establishes that the Express Mail package associated with Express Mail label no. EV353611705US was deposited with the USPS as Express Mail on June 26, 2003.

Accordingly, the petition is granted.

No fee has been or will be charged in connection with this petition.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to **June 26, 2003**.

Any inquiries related to this decision should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions